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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,945	08/22/2001	Nga T. Dang	7842.01	8877
26890	7590	11/01/2005	EXAMINER	
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			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 11/01/2005

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/934,945
Filing Date: August 22, 2001
Appellant(s): DANG, NGA T.

George H. Gates
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/15/2005 appealing from the Office action mailed 3/13/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,401,134	Razavi et al	6-2002
6,412,021	Nguyen et al	6-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Art Unit: 2179

1. Claims 12-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #6,401,134 (Razavi et al), in view of US patent #6,412,021 (Nguyen).

- As for claims 12, 20, 28: Razavi et al teach a computer implemented method and corresponding system for displaying multiple windows, comprising:
a browser application on a computer executing a detachable applet, the detachable applet displaying a first window outside of the browser application window constraints using a class, wherein the class comprises elements that make a window display by the applet look like an executing application (see the abstract; 4:20-41).
Razavi fails to clearly teach displaying a second window outside the browser window simultaneously with the first window, however suggested that the method can be applied to any existing applet to modify the applet into a detachable one (4:18-20).
Implementation of multiple applets simultaneously running in a browser application is well known (as is disclosed by Nguyen US patent 6,412,021, US patent 6,175,877, the abstract; US patent 5,861,883, 4:37-53; and US patent 6,177,936, the abstract).
Thus it would have been obvious to one of skill in the art, at the time the invention was made, to combine the Nguyen's implementation of multiple simultaneously running applet, or modify existing multiple simultaneously running applets, to implement multiple detachable applets for displaying applet windows outside of the browser window. Motivation of the combining is expressly suggested by Razavi as set forth above.
- As for claims 13, 21, 29: The applet window class is a Frame class (5:1-40).

Art Unit: 2179

- As for claims 14, 22, 30: The class elements provide for window display attributes to provide a look and feel of the window (6:3-20; 7:41-42). Window title bar and the ability to modify cursor to various states are inherently included in Razavi et al.
- As for claims 15, 16, 23, 24, 31, 32: It is inherently included that a list of displayed windows is maintained. Razavi fails to teach halting execution of the applet when the browser switches to a new web site. However, since the applet belong to the web site, it would have been obvious to halt the execution of the applet when the user switches to a new web site.
- As for claims 17, 25, 33: The applet window continues to open after the user switches to a new web site (7:45-45). All windows are closed responsive to an exit (CLOSE) command (7:50-55).
- As for claims 18, 19, 26, 27, 34, 35: Razavi fails to clearly teach that the first window is used to monitor a status of a resource and the second window is used to respond to an event occurring with the monitored resource. However, since the Razavi disclosure is capable for implementing or modifying any type of applet application, implementation of the applets as the recited intended field of use would have been obvious in light of the Razavi.

(10) Response to Argument

The Razavi et al reference. Conventionally, when an applet is executed inside a browser window the applet is constrained by the browser window and become^s an application-dependent of the browser application. For example, any output input, dialog box or pop-up window that are generated for the applet must appear within that constraint. Also, the applet

Art Unit: 2179

window can not be closed unless the application is quit or until the application transitions to receive data from a new host window (Razavi's 1:40-56. See also the appellant's specification page 6, lines 13-19). Razavi et al teach an improvement to free the applet from being application-dependent by detaching the applet from the constraint of the application which executing the applet. The applet, when detached can appear in a detached window which is more easily controllable by the operating environment desktop. Razavi's figure 4 discloses a detached Jukebox applet as rendered on a display screen, outside of the browser window. The detached applet continues to run even if the application that launched the applet transitions to a new URL host (Razavi's 3:14-25, 7:45-47). The detached applet will have the functionality as any ordinary application window running on the operating environment (Razavi's 4:44-46, 7:59-8:9). The applet window class is a Frame class (5:1-20). The desktop can control the look-and-feel of the applet window, and to some degree, the applet as well (Razavi's 6:18-20, 7:35-45). Since the applet functions as any ordinary application window on the desktop, and that the applet components includes dialog boxes and pop-up windows (1:42-44, 8:59-62), it inherently appears that applet have the functionality of displaying a second window simultaneously (i.e., the second window is displayed while, during the applet window is displayed) with the applet window. I.e., any "ordinary application window" may have sub-windows in its hierarchy. More importantly, Razavi discloses in appendix A, page 1, the code for displaying a second window containing CD cover or a selection box. Although Razavi clearly discloses that the applet has the functionality of simultaneously displaying the second window as set forth above, Razavi fails to clearly teach the displaying of the second window. In the same field of applet application implementation, Nguyen clearly teach the displaying a second window from an applet window (Nguyen's 9:53-

55). Thus it would have been obvious to one of skill in the art, at the time the invention was made, to combine Nguyen's teaching of displaying a second window from the applet window to Razavi's teaching of the Jukebox applet. Motivation of the combining is for the applet to display a second window containing the CD cover or the selection box with current selection and image. Razavi as combined with Nguyen read on the invention as recited in claims 12, 20 and 28.

The Nguyen reference. Nguyen also teaches the application-independent applet wherein an applet life cycle is governed by the `init()`, `start()`, `stop()`, and `destroy()` methods. The `start()` is called after the `init()` method or whenever the applet's is revisited. The `stop` is called whenever the user moves away from an applet's page. The state of the applet is saved. The `destroy()` is called when the desktop manager application exits normally or when the desktop manager needs to terminate the applet for other reasons, such as low memory condition (Nguyen's 8:16-39. See also the appellant's specification page 11, line 14 through page 12, line 14).

The arguments. As for claims 12, 20 and 28, the appellant argues Razavi teaches only one detachable window per applet. As set forth above, Razavi's detached applet will have the functionality as any ordinary application window running on the operating environment (Razavi's 4:44-46, 7:59-8:9), i.e., just like any ordinary application, the applet will have the functionality of displaying any secondary window associated with the applet. Even though Razavi does not specifically spell out the displaying of the second window, Razavi's Jukebox applet contains code for displaying of the window (appendix A, page 1, the code for displaying a second window containing CD cover or a selection box). Thus it is clear that Razavi's detached Jukebox is programmed to display the second window. A reference is to be considered not only for what it expressly state, but for what it would be reasonably suggested to one of skill in the

art. In this case, one of skill in the art would be motivated to implement the displaying of the second window in order to display the CD cover or the selection box from the applet, giving the applet the full functionality of any ordinary application window as taught by Razavi. Nguyen teaches multiple applets running at the same time, but more importantly, Nguyen teaches that each applet can display a secondary window associated with the applet. Per Nguyen, an applet can display a pop-up window (9:53-55) or a dialog box (12:24-29). Razavi as combined with Nguyen read on the limitation displaying a second window simultaneously with the applet window. It worth to mention that Razavi&Nguyen secondary window is also a detached window since it is under the control of the detached applet, however this argument of the appellant should not be further extended since the limitation is not recited in the claim.

The appellant, for the first time, present arguments against the rejections of claims 16-19, 24-27, and 32-35. These new arguments will be addressed as grouped, with claims 16-19 being representative claims, respectively.

Claim 16 recites closing the displayed windows when the browser switches to a new web site. Razavi discloses an operating environment that controls the display of windows, which inherently includes a list of open windows on a desktop (3:48-65). Per Razavi, a detached applet continues to run after the browser switches to another website (1:56-61, 7:45-47), however the applet window can be iconified (close, 7:61-65) or actually closed just like any other window on the desktop (5:37-40, 6:18-20). Nguyen also discloses that when the browser switches to another applet's page the applet stop, and the applet is start when the applet's page is revisited (See Nguyen's teaching of Stop() and start() method, 8:28-39). When an applet window is closed, its secondary pop-up window is also closed because the secondary window is controlled by the

applet. I.e., when jukebox applet window 420 is closed, its associated pop-up secondary window for displaying the CD cover is also closed. As for claim 16, when the browser switches to another website information displayed inside an applet window and its secondary window may not be of user interest. Thus it would have been obvious to one of skill in the art to implement the iconification or closing the applet window and its secondary window for saving display space and memory. The applet window and its secondary window are reopened whenever the applet is executed by the browser. The applet window and its secondary window can be the windows for displaying a homepage and visited page.

As for claim 17, Razavi clearly discloses that the applet window remains open (and thus its secondary pop-up window) as the browser switches to another website (7:45-47), and all windows are closed responsive to an exit command from the browser application (7:50-55). Again, the list of opened windows on a desktop is inherently included in Razavi's teaching of the operating environment that controls the display of windows (3:48-65). The appellant argues that Razavi's windows are closed when the browser switches to another website, and then the detached applet is also automatically closed because it is no longer receiving any data. This argument appears to contradict Razavi's clear teachings that the applet continues to run as the browser switches to another website (1:56-61, 7:45-47), therefore not deemed persuasive. If appellant's argument implies that the exit command is applied to the applet window, this limitation is not recited in the claim. Claim 17 simply states "providing an exit command" with the browser window not being excluded from receiving the command. However, and more importantly, Razavi clearly discloses that the detached applet has the functionality as any ordinary application window running on the operating environment, i.e., it can be iconified

Art Unit: 2179

(close, 7:61-65) or actually closed just like any other window on the desktop (5:37-40, 6:18-20. See also Nguyen teaching of the Destroy() method in 8:36-39). Thus even if the claim language “providing an exit command” is referring to exiting from the applet, the limitation still read on clearly by Razavi and Nguyen. The appellant argues that it the reasoning applied in the rejection of claims 16 and 17 is inconsistent. In response to the argument, and as set forth above, Razavi discloses that all applet windows are closed when the browser application is closed. However the detached applet continues to run as the browser switches to another website. The detached applet window is being independent from the browser application and can be iconified or closed. Thus the user may decide to close the applet windows when the browser switches to another website. However, instead of leaving the applet windows remain displayed on the screen using up screen estate, it would have been obvious to iconify or close down the applet window when the browser switches to another website since information displayed within the applet window may no longer be of user interest. Thus the inconsistency as argued by the appellant does not exist.

Claims 18, 26, and 34 recite the implementation of the applet window as being used for monitoring hardware and software resources. Dependent claims 19, 27, and 35 further recite that the secondary applet window is for responding to an event occurs in the being monitored resource. Support for these limitation is briefly suggested without any detailed in the appellant's specification, page 7, lines 3-7. It appears that the implementation of the applet that can monitor hardware and software resources, and which applet open a secondary window to respond to event is an obvious field of application of the applet. In Razavi the applet is used as a Jukebox which applet is capable of opening a secondary window for displaying a selection box responsive

Art Unit: 2179

to a trigger event. In Nguyen, the applet can be an email applet that monitors incoming mails, which email applet opens a secondary window responsive to an incoming mail event (9:46-58). It would have been obvious to one of skill in the art, at the time the invention was made, to implement the applet that used to monitor hardware and software resources, and open a window to respond to event to Razavi. Motivation of the implementation is for the obvious resource monitoring field of use.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

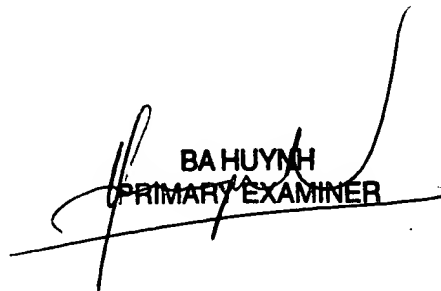
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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